

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

FEB 12 2007

JOHN F. O'DONOHAN, CLERK

BY:

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MERCEXCHANGE, L.L.C.,

Plaintiff,

Civil Action No. 3:07-mc-00004-bwc

v.

(Case No. 2:01cv736, Pending in the United  
States District Court for the Eastern District of  
Virginia)

EBAY, INC., and HALF.COM, INC.,

Defendants.


DECLARATION OF GREGORY N. STILLMAN IN SUPPORT OF RESPONDENT  
ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO QUASH  
DEPOSITION AND DOCUMENT SUBPOENAS

I, Gregory N. Stillman, declare:

1. I am an attorney at the law firm of Hunton & Williams LLP, counsel of record for MercExchange, L.L.C. ("MercExchange") in this action. I am a member in good standing of the State Bar of Virginia. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.
2. Attached as Exhibit A is a true and correct copy of the Order and Opinion of December 18, 2006, of the United States District Court for the Eastern District of Virginia, in the underlying action.
3. Attached as Exhibit B is a true and correct copy of defendants' subpoena *duces tecum* upon Alfred Weaver.
4. Attached as Exhibit C is a true and correct copy of the Westlaw opinion for *Rosco, Inc. v. Mirror Lite Co.*, 2006 W.L. 2844400, \* 4 (E.D.N.Y. Sept. 29, 2006).
5. Attached as Exhibit D is a true and correct copy of a letter of January 19, 2007, that I sent to defendants' counsel requesting a meet-and-confer with respect to the present discovery issues.
6. Attached as Exhibit E is a true and correct copy of an e-mail that I sent to defendants' counsel on January 23, 2007, requesting a meet-and-confer with respect to the present discovery issues.
7. Attached as Exhibit F is a true and correct copy of a letter that I sent on February 6, 2007, to Magistrate Judge James Bradberry pertaining to the present discovery issues.

Executed on February 9, 2007, at Norfolk, Virginia.


I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Gregory N. Stillman

Dated: February 9, 2007

Respectfully submitted,

ALFRED WEAVER, Ph.D., and  
MERCEXCHANGE, L.L.C.,

By: 

Gregory N. Stillman (VSB# 14308)

Brent VanNorman (VSB# 45956)

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Attorneys for Plaintiff

MercExchange, L.L.C. and Respondent

Alfred Weaver

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of February, 2007, I caused a copy of the foregoing **DECLARATION OF GREGORY N. STILLMAN IN SUPPORT OF RESPONDENT ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO QUASH DEPOSITION AND DOCUMENT SUBPOENAS** to be served as follows:

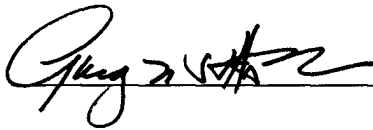
**By Hand Upon:**

Robert W. McFarland, VSB No. 24021  
Meghan M. Cloud, VSB No. 68044  
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World Trade Center  
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**By Overnight Mail Upon:**

Jeffrey G. Randall  
Skadden, Arps, Slate, Meagher & Flom, LLP  
525 University Avenue  
Suite 1100  
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Allan M. Soobert  
Skadden, Arps, Slate, Meagher & Flom, LLP  
1440 New York Avenue, NW  
Washington, DC 20005

A handwritten signature in black ink, appearing to read "Gregory N. Stillman", is written over a horizontal line.